

Ken Gouldthorp
General Manager
Newcastle City Council
PO Box 489
NEWCASTLE NSW 2300

Our ref: 14/08482

Attention: Patricia McCarthy

Dear Mr Gouldthorp

Planning Proposal PP_2014_NEWCA_006_00 – Alteration of Gateway Determination

I refer to your letter and subsequent email advice in relation to a revision of the Gateway determination and extension of time to complete Planning Proposal PP_2014_NEWCA_006_00, for various localised zoning, development intensity and heritage listing matters and the inclusion of an additional local provision for exempt development.

I have determined as the delegate of the Minister, in accordance with section 56(7) of the Environmental Planning and Assessment Act, 1979, to alter the Gateway determination dated 27 June 2014 for PP2014_NEWCA_006_00 (as altered). The Alteration of the Gateway Determination is enclosed.

The Gateway Determination has been altered to enable the replacement of the infrastructure development clause as required by condition 1 of the Gateway, by a new draft clause. The Gateway Determination has also been altered to extend the time to complete the proposal. The Proposal is now due for completion on 3 February 2016.

If you have any questions in relation to this matter, I have arranged for Mr Brian Murphy to assist you. Mr Murphy can be contacted on 02 49042712.

Yours sincerely



22 October 2015

David Rowland
General Manager, Hunter and Central Coast
Planning Services

Encl:
Alteration to Gateway Determination

Alteration of Gateway Determination

Planning proposal (Department Ref: PP_2014_NEWCA_006_00)

I, General Manager, Hunter and Central Coast Region at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(7) of the *Environmental Planning and Assessment Act 1979* ("EP&A Act") to alter the Gateway determination dated 27 June 2014 (as since altered) for the proposed amendment to the Newcastle Local Environmental Plan 2012 as follows:

1. Delete:

"condition 7"

and replace with:

a new condition 7 "The timeframe for completing the LEP is by 3 February 2016"

2. Delete:

"condition 1 "

and replace with:

new condition 1) Council is to amend the proposal before re-exhibition to use the following local exemption clause for council works

6.8 Council infrastructure development

1) The objectives of this clause are as follows:

- a) to permit the Council to carry out commonly undertaken civic works and facilities without development consent,
- b) to permit the Council to carry out all other development that is in the public interest with development consent.

2) Despite any other provision of this Plan, the following development may be carried out by or on behalf of the Council with development consent:

- a) development having a capital value of more than \$5,000,000,
- b) development that is the erection of a building of any class under the *Building Code of Australia*, other than a class 10 building,
- c) development for the purposes of ovals, tennis courts, grandstands, dressing sheds or the like,
- d) development for the purposes of a car park with more than 30 car parking spaces,
- e) development for the purposes of a caravan park,
- f) development for the purposes of a depot,
- g) development on land that comprises, or on which there is, a heritage item,
- h) development on land that comprises, or on which there is, an item that is listed on the State Heritage Register under the *Heritage Act 1977* or that is subject to an interim heritage order under that Act,

- i) development on land that is an environmentally sensitive area for exempt and complying development.
- 3) Development that is commonly undertaken civic works and facilities may be carried out by or on behalf of the Council without development consent on any land.
- 4) In this clause:
civic works and facilities includes those land uses and activities carried out by the Council for the benefit of the community, such as amenity facilities and environmental management works.

Note. Most development carried out by or on behalf of a Council is dealt with by *State Environmental Planning Policy (Infrastructure) 2007*.

3. Insert:

new condition 8

Further community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:

- (a) the revised planning proposal is classified as low impact as described in A Guide to Preparing LEPs (Department of Planning & Infrastructure 2013) and must be made publicly available for a minimum period of 14 days; and
- (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs (Department of Planning & Infrastructure 2013).

4. Insert

new condition 9

Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:

- Office of Environment and Heritage

The public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal. Once consultation is undertaken with public authorities, and information is provided Council is to update its consideration of s117 Directions.

Dated 22nd day of October 2015.


David Rowland
General Manager,
Hunter and Central Coast
Planning Services
Department of Planning and Environment

Delegate of the Minister for Planning